

BIBIYAN LAW GROUP, P.C.

David D. Bibiyan (SBN 287811)

david@tomorrowlaw.com

Jeffrey D. Klein (SBN 297296)

jeff@tomorrowlaw.com

Sarah H. Cohen (SBN 330700)

sarah@tomorrowlaw.com

8484 Wilshire Boulevard, Suite 500

Beverly Hills, California 90211

Tel: (310) 438-5555; Fax: (310) 300-1705

Attorneys for MACKENZIE ANNE THOMA, on behalf of herself
and all others similarly situated

**IN THE UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

MACKENZIE ANNE THOMA, a.k.a
KENZIE ANNE, on behalf of herself
and all others similarly situated
employees,

Plaintiffs,

v.

VXN GROUP LLC, a Delaware limited
liability company; STRIKE 3
HOLDINGS, LLC, a Delaware limited
liability company; GENERAL MEDIA
SYSTEMS, LLC, a Delaware limited
liability company; MIKE MILLER, an
individual; and DOES 1 to 100,
inclusive,

Defendants,

CASE NO. 2:23-cv-04901-WLH

[Assigned for all purposes to the Hon.
Wesley L. Hsu]

**DECLARATION OF SARAH H.
COHEN IN SUPPORT OF
PLAINTIFF'S OPPOSITION
TO DEFENDANTS' MOTION
FOR EXTENSION OF TIME
TO RESPOND TO
PLAINTIFF'S FIRST
AMENDED COMPLAINT**

DECLARATION OF SARAH H. COHEN

I, Sarah H. Cohen, declare and state:

1. I am an attorney at law, duly licensed to practice before all the Courts of the State of California and I am an attorney with Bibiyan Law Group, P.C, counsel of record for plaintiff Mackenzie Anne Thoma (“Plaintiff” or “Ms. Thoma”) and all others similarly situated and aggrieved. As such, I am familiar with the file in this matter and if called as a witness I could and would competently testify to the following facts of my own personal knowledge.

2. On September 1, 2023, Defendants’ counsel, Mr. Eric Clopper (“Mr. Clopper”) asked to meet and confer with me regarding all Wage and Hour Claims brought by Plaintiff. Attached hereto as Exhibit A.

3. On September 15, 2023, Mr. Clopper followed up with me requesting to meet on confer on September 18, 2023. Attached hereto as Exhibit B.

4. On September 17, 2023, Mr. Clopper emailed me with a detailed analysis of Defendants’ legal and factual bases for Defendants’ anticipated Demurrers on Pleas in Abatement. Attached hereto as Exhibit C.

5. On September 17, 2023, I agreed to meet and confer with Mr. Clopper on September 18, 2023. Attached hereto as Exhibit D.

6. On September 18, 2023, Mr. Clopper and I met and conferred and discussed what amendments and claims shall be included in the First Amended Complaint. Here, I, in no uncertain terms, assured Mr. Clopper that there will be absolutely no extensions in time for any responsive pleadings. Attached hereto as Exhibit E.

7. On October 2, 2023, two days before Defendants’ motion to dismiss was due, Mr. Clopper emailed me requesting a two week extension for filing a motion to dismiss as to this action, admitting Defendant had failed to fully meet and confer thus far. Attached hereto as Exhibit F.

8. On October 3, 2023, I informed Mr. Clopper that, per Local Rule 7-3, Defendants were required to meet and confer at least seven days prior to a responsive

1 pleading is due. I informed Mr. Clopper this never occurred, as such they are not in
2 compliance with the rules set forth by this court. I subsequently denied Defendants'
3 request. Attached hereto as Exhibit G.

4 9. There were no other meet and confer attempts undertaken by Defendants
5 after Plaintiff filed her First Amended Complaint.

6
7 Executed on this 13th of October, 2023, at Los Angeles, California.

8
9 /s/ Sarah H. Cohen

10 Sarah H. Cohen
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28